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True WILL
214-10 Of his late
Catholick MAJESTY
CHARLES 2d.
King of SPAIN,
WITH THE
CODICIL

*Translated from the Original lately brought hither from Spain,
And Answer'd Article by Article.*

L O N D O N,
Printed in the Year, 1700.

Price 6d.

THE
FIFTH

OF HIS

GRACE

CHARLES

King of GREAT BRITAIN

WITH

CODICIL

Printed by J. Sturges, at the Press of the University of Oxford, in the Strand, near the Temple Church, in the Year 1728.

THE TRUE WILL
Of his late
Catholick MAJESTY, with the Codicil

Answer'd Article by Article.

Article I.

IS an Invocation of the Name of God, for obtaining the Grace of dying in the Faith as his Majesty did. His Majesty's Answer by Prince of Wales.

As these Articles were drawn up by a Cardinal, for the Arch-Bishop of Toledo, does excellently well to persuade his King to be faithful to God to blot him die in a Faith, the adhesion to the Errors of which, had gotten his Eminence the fattest Bishoprick in Christendom; but had his Majesty given as little Faith to his Perswasions when Dying, as he did when Living, sometime before his last Sickness, it had been more advantagious to the Security of the Peace of Europe.

Article II.

He demands the Intercession of the Holy Virgin, and prays the Kings, his Successors, to continue the Instances he had made at the Court of Rome, to obtain a Decision of the Pope in favour of the immaculate Conception of the Virgin.

Answer

Had his Majesty been in his right Senses when he made this Petition, the Blessed Virgins Intercession would never have been granted him ; neither is it to be suppos'd whatever Service his blind Zeal might have made him endeavour to do her, in getting an *Idolater*, to grant *Bulls* in her Favour, tho' she had the Power of *Mediation*, on Attribut only to be ascrib'd to God the Son, she would make use of it, for a King, who beg'd it to countenance a *Will*, which was likely to make Divisions among Christian Princess ; and was contradictory to the Commands of the Blessed Jesus, which injoyn'd *Unity*, and the *Loving one another*.

Article III.

His Majesty ordains that his Body shall be Interred in the Monastery of St. Laurent the Royal, in the Tomb of his Ancestors, but with the least Pomp that the Royal Dignity will permit of.

Answer

His Majesty, tho' he never *Liv'd* like a King, and was Govern'd by Priests, &c. is to be commended for his Orders to be *Buried* like one, amongst his Royal Ancestors ; and the Cardinal did not amiss to persuade him to command as little Expences as possible at his Funeral, for fear the Young Prince, his Successor, should not have enough in the Royal Treasury to Reward so Zealous and Affectionate a Servant.

Article IV.

The Foundations which the King has made, during his life in favour of the said Monastery, shall be maintained.

Answer

The Priest gets the better of the Subject here ; and the Monastery of St. Laurent's encrease of Wealth must be taken care of, tho' the People who have a Veneration for the Superstitious Follies that are practic'd there, are ready to starve.

Article V.

The Kings Successors to his Majesty are also to have a particular care, to preserve the same in the form and Splendor which King Philip the 2d. gave it in Founding it.

Answer.

The Question is, Whether Phillip the V. be such a Relick-monger, as King Phillip the II. tho' it must be own'd he springs from a Religious Family. However 'tis no more to be doubted, but he'll promise as strict an observer of his Benefactors Commands in this point, as much as he'll hold fast to the performance of his Injunctions of being a True Spaniard, when he has it in Power, to be a down-right French-man.

Article VI.

A hundred thousand Masses shall be said for the Salvation of his Majesty's Soul; and in case he need them not, they shall be given for those of Predecessors.

Answer.

Would to God his Eminence had been enjoyn'd the Penance of saying all these Masses himself for making his Master take his leave of the World in such ridiculous Terms. If a Prince who had been led by the Nose all his Life-time, and had been guilty of few Sins, but that of a blind Bigotry, has occasion for 100000 Masses, how many must our wicked Testament-maker have, before he can creep out of Purgatory after his Decease. But this is a profitable Superstition, that brings Grist to the Romish Churches Mill, and tho' his Majesty nor his Predecessors can receive any Profit from it, the Clergy that survive may; and that's an Argument good enough to make a Cardinal push forward so advantageous an Article.

Article VII.

King Philip the 4th having formerly Establish'd a Fund of 6000 Ducats for the Redemption of Slaves, Marriage of poor Maids, and release of Prisoners, his Majesty ordains, that the Designs of the Foundation be punctually put in execution.

Answer.

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Answer.

V Answer.

Very good ! After he has made provision for those who are too implicit Believers, he's for scattering some of his Masters loose Ducats if he can find 'em amongst Infidels. He had better have persuaded his Sovegaign Lord to have left a Sum to drive the Moors from Ceuta, and hinder 'em from taking any Slaves, than to furnish 'em with Mony to empower 'em to take more. The Marriage of Poor Maids, I confesse is an excellent thing; but Spain is a Hot Country, and they take Man so early there, that few Ducats will go a great way.

Article VIII.

His Majesty recommends to his Successor, a perfect Obedience to the Holy Apostolical See of Rome, the fear of God, and observation of his Commandments ; and that he would procure above all things the exaltation of the Faith, honour the Gown, love his People, impartially Administer Justice to all, be watchful over the Conduct of his Ministers, and be persuaded that in doing all these things he will draw God's Blessing down upon him.

Answer.

By Honouring the Gown, his Eminence put's the Young King in mind of the good Offices he has done, but if he have a watchful Eye over the Conduct of his Ministers, he'll soon find that the Lord Porto Carero is better pleas'd with telling over Loaves & Or's, than counting his Beads.

Article IX.

The King's Successors to his Majesty are to sacrifice all for the defence and advancement of the Roman Catholick Religion, and in case any among them should be found infected with Heresies, and condemned Doctrins, his Majesty declares him incapable of Reigning, and deprived of all Right to the Crown.

Answer.

That's as much as to say, Your Majesty must do as your Predecessor (now in Glory) did, loose your Towns, while

while you are Kissing your Relicks, and in order to advance the Roman Catholick Religion, break Friendship with those Hereticks who were his Preservers in the late War. The *Dutch* have some Reason to take notice of this Article, and if the Duke of *Anjou's* Complement to a certain P—— had any Truth in it, so have the *English* too. As for his Majesties turning Heretick, theres no great fear of it; his Grand-father has Taught him his Lesson; and he's as likely to be as great a Friend to the *Inquisition*, as the most Christian King is to the Conversion of those he call's Hereticks.

Article X.

The Kings and Successors to the Crown of Spain shall prefer the Considerations of Religion before those of Politicks, and by those means draw upon them the Blessing of God.

Answer.

That is, the King shall be a muttering *Ave Maria's*, while the Cardinal sits at the Helm, and takes care of publick Affairs; and concerns himself in more profitable Matters; which shews there's nothing like a *Bigotted* Prince for a *Covetious* States-man, and a *Sovereign* possess'd with *Superstition*, for a *Disciple of Machiavel* to work on.

Article XI.

The Adoration of the Holy Sacrament, which has been particularly established and founded in the Chapple of the Palace, shall be observed; for the future, as it is at present.

Answer.

As for this Article, I have nothing to say to it, let 'em elevate the Host, as his deceas'd Majesty thinks fit. Tho' something occurs observable enough from the frequency of his Orders against all manner of Alterations, he has some suspicion of his Successor, and can hardly be assur'd a Prince of the House of *Bourbon* can bring himself to a *Castilians* Temper without great difficulty.

Article XII.
The King declares, that if God, by his infinite mercy gives him lawful Children, the Eldest of the Males shall Succeed him, and in defect of Males, the Daughters, according to the Laws of his Kingdoms; but if not having pleased God, at the time of this Testament, to grant him that inestimable favour, and the first Obligation which is incumbent on him, is to provide for the Welfare of his Subjects, and the preservation of his Kingdoms in the Union conducive to the Publick Good, they keeping the Fidelity they owe to their King, and Natural Lord, as they have done for the time past, and regulating themselves most justly, and wholly conforming with the Supreme Authority of his Disposal.

Answer.
 The Commands which went before were only as so many leading-strings, to what the Will is now pointing at. God has not bless'd his Catholick Majesty with Issue from his own Body, and the Welfare of his Subjects, and Preservation of his Kingdoms make it but fitting he should declare a Successor, who should be instrumental in continuing the Blessings they had receiv'd from his Auspicious Reign. And the sequel will tell us what Provision he has made for it.

Article XIII.

By which his Majesty being convinced that the Remuneration of the late King of France, having been made to prevent the Re-union of the two Crowns in one sole Monarchy; and that when this fundamental Reason comes to cease, the Right of Succession belongs, pursuant to the Laws of the Kingdom, to the next Relation and Heir, which now happens in the Person of the Dauphin's Second Son. His Majesty calls him in that Quality to the Succession of all his Kingdoms and States, without any reserve or exception; Authorizes him to take Possession thereof, after His Majesty's Death, by taking the Oaths to maintain the Laws, Ordinances and Customs of the Kingdoms and States of the Monarchy, and in case the Duke

Duke of Anjou should happen to Die, or Inherit the Crown of France, the Succession of the Crown of Spain shall pass to the Duke of Berry, his Brother, and if the same should fall out, in the Person of the said Duke of Berry, his Brother, his Majesty calls to the Succession, the Arch-Duke, Second Son to the Emperor, and not the King of the Romans, his Elder Brother, for the same Reasons which regard the Duke d'Anjou, and in case the Arch Duke Charles should by the same Accident of Death be wanting, his Majesty appoints the Duke of Savoy and his Children, Willing and Commanding, That his Will be punctually executed without any Partition or Dismembring of the Monarchy; and his Majesty desiring Ardently that the Peace, and Union between the Emperor and the Most Christian King, be Conserved; he Recommends and Exhorts, that for the better Confirmation of this Union, and the Tranquillity of Europe, the same be rendered indissoluble by the Marriage of the Duke d'Anjou, with one of the most Illustrious Arch-Duchesses, &c.

Answer.

Right! the Renunciation was certainly made to hinder the Two Crowns from being United in the Person of one Sovereign, but how well this Declaration agrees with it, may be easily perceiv'd. The Design of it, without doubt, was to keep a French Prince from Sitting on the Throne of Spain, and to continue the Succession in the House of Austria. Now That this is Frustrated to all intents and purposes, by calling the Duke of Anjou to the Possession of a Prince of the Austrian Family, is very Apparent; and that an Union of the Two Kingdoms is now more to be feared than ever, may appear from the French King's own Words, who said, France and Spain should be one, at his acceptance of the Will. Which may be more easily made so by the Contiguity of their Frontiers to each other, when it had been much more unlikely, to have been effected by the Germans, because of the distance of their Territories from each other, had the

Illustrissimus Arch Duke been chosen for His Majesty's Successor.

Article XIV.

His Majesty makes an Enumeration, and Destination of the Countries in which the Duke de Anjou is to Succeed him to the Title of Castile, and those that depend on the Crown of Arragon, Declaring that from the Moment it shall please God to remove him from this Life; the Duke shall be ipso facto, King of all his Countries, notwithstanding all sort of Renunciation, and orders all his Subjects and Vassals, of what Condition soever, to Acknowledge him as such, without any Delay.

Answer.

The Testator has taken upon him to disanul the Validity of the Renunciation; but how the Person that drew up the Testament could absolve him before he had repented of, such an apparent injury to his own Illustrious Family, it is not in me to imagine. If the poor King had lost his Senses, what Injustice has the Cardinal done, if he parted with his Conscience, and made his Majesty Sign a Paper which approaching Death would occipitate him to. Reach which seems not impossible; if we consider with our selves, with what earnestness an Austrian Prince is made to recommend another with, to the Inheritance of his Dominions, whose Family had been at War with him from his very Cradle, and laid his Country desolate in the most Savage manner imaginable.

Article XV.

His Majesty orders that the same shall be put into the Hands of a Junta, which shall be Composed of the President or Governor of the Council of Castile; the Vice Chancellor, or President of Arragon, the Arch Bishop of Toledo,

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the Inquisition General, of a Grantee, and a Counciller of State, whom his Majesty will Nominate, either in this present Testament, or in a Codicil, or in a Paper Signed by him; this *Juncto* shall meet in the Queens presence, in such an Apartment and place as she shall be pleased to order, during the time she shall remain in Spain, and her said Majesty shall have a Casting Voice, that is to say, that when the Suffrages shall be divided, the side on which her's is, shall carry before the other, but for the rest, the Plurality of Voices shall carry it in all things.

Answer:

To palliate the matter, and make the Germans an atonement, his Majesties Royal Consort the Queen, a Sister of the present Emptress, is made one of the Regents. But where's the Favour that she has the Casting Voice. when 'tis well known the French Nation has a great Majority in the said *Juncto*; that she can never have occasion to make use of it. Or the mighty Privilege in making choice of what Apartment she pleases for em to Meet in, when she is certain to be over-ru'd by em, when they are met.

Article XVI.

And in case, that when the King Dies, he who is to be his Successor, should be Minor, or under the Age of 14 Years, the same Guardians here above named, shall have in his Name the Administration of the Government, and shall be his Tutors and Guardians.

But his Present Majesty will be none of their Pupils, nor if he were under the Age of 14 Years, as 'tis Visible he is not, would his Grand-Father think it not in his Power to chuse him French Tutors, since he has already made choice of a French Man for his Confessor.

Article XVII.

The Vice-Chancellor of Aragon, whom his Majesty has named to be one of the *Juncto*, as Tutor to his Successor, shall

shall Especially and Particularly, if it be Conformable to the Priviledges and Customs of the Kingdom of Arragon; but if the said Customs and Priviledges, permit not him that is President to exercise that Post, his Majesty then appoints in his place the most Antient Counsellor of the Robe, of the said Kingdom, to make it his Function; and in defect of him, he appoints him that shall be next, and shall follow him in Place and Seniority.

Answer.

The Vice-Chancellor of Arragon may perhaps be his Titular Tutor; but L---XIV. will actually be his Instructor; and the First may endeavour to inculcate true Spanish deliberation, in his Royal Disciple; but the Doctrines of the Last will be more prevalent for his Imitation.

Article XVIII.

The said Regent of Arragon, that shall be Tutor, shall Reside at Court, shall keep his Place in Council, shall assist at the Juncto; and propose those things, that shall relate to, and concern the Kingdom of Arragon, to the end that the Juncto being inform'd thereof, they may resolve by plurality of Voices, upon such Measures as shall be most conducing to the Service of God and his Successor.

Answer.

He may Reside at Court, Assist in Council, take his Place in the Juncto, and propose what Matters he pleases; but a Prince who has suck'd in Arbitrary Notions with his Mothers Milk, has heard of nothing but absolute Power, and been harangu'd with no Schemes, but those of Ambition, will not lessen his Authority in taking other Peoples Measures, when he is fix'd in his Throne, and has it in his Power to follow the Dictates of his own Will.

Article XIX.

His Majesty gives all his Ministers and Officers, the Power, Authority and Faculty, that is necessary towards a due Exercise of their respective Offices, during the Minority of his

his Successor, provided they do first take the Oath of Fidelity to him.

Answer.

And what signifies the Power and Authority which is given 'em? They have no *Minor* to deal with, their King is above 14 Years Old, and a Successor of that Age, as the *Will* has given us to understand in one of the *Precedent Articles*, is declar'd to be in a State of Majority.

Article XX.

The Tutors abovesaid shall Administer the Affairs all together, and not one by one; and for that purpose, shall Assemble every Day, in an Apartment of the Palace, which the Queen shall assign; the Secretary of the Universal Dispatches being present to make the Relations, and assist in the same manner as he did did, during the Kings Life.

Answer.

If they are to consult of publick affairs altogether; and the Queen as Supreme Regent has Authority to appoint, how comes it to pass, that publick Business is concerted without her Majesties Consent, That Letters of Thanks are sent without her Hand and Signet to 'em; and that Embassies are order'd without her previous Approbation? For the very Letters from *Paris* agree, That the Queen Swooned, at the News of the Duke of *Anjou's* being Declar'd King, and not one Instance has been given of her acting any ways since Her Royal Husband's Death, then by sending Letters to some Princes to give her the News of it.

Article XXI.

All the Matters of Consultation, that are to be laid before the Councils to be Communicated first to the Secretaries Office of the Universal Dispatches, afterwards opened to the Juncto, and the Secretary of the Dispatches is to appoint the Resolution.

Answer.

This is a Piece of Formality, not much Intelligible to Men of our Nation, who are as quick in dispatch of Business, as the Spaniards are wanting in Expedition, among whom, if you were but to ask where a *Grandee* was, you must go thro' as many Hands before you'll be out of your Pain of Enquiry, as one of our Foot Guards does in running the Gauntlet,

Article XXII.

In the Dispatches which the King is used to Sign, as well with his Royal Hand, as with his Signet, the Queen shall Sign in the same place the King did; and the Tutors shall Sign lower, to the Number of Four at least; and in the Affairs of Aragon, the Regent of that Kingdom shall always Sign.

Answer.

It's to be suppos'd Her Majesty will scarce tyre her self in Signing Dispatches, which are concerted against the Interest of the Imperial Family, or that she will be prevail'd with, by the pretended Honour of Writing her Name in the King's Place, to make use of it for the Benefit of those who are Enemies to the *Austrian* Interest.

Article XXIII.

Every one of the Regents shall be permitted to propose, what he shall think most convenient for the benefits of the Kingdom, and the plurality of Voices shall decide it.

Answer.

Very good ! but they must do what they intend for the Benefit of the Kingdom in a very short time, or it may possibly be out of their Power. Their young Prince is on his Journey to take the Staff out of their Hands; and he'll probably have People about him, that will Instruct him how to make his own Voice carry Matters beyond their Plurality.

Article XXIV,

In case the voices should be found equally divided in the Juncto.

Juncto, either by the Queen's absence, or some other accident, the President of the Council, to whom the Matter then in Question shall belong to, shall be called for, or if there be no President, the Dean of the same Council, or at least he that shall be most Antient after the Dean.

Answer.

If the Queen's absence will make the Voices equal, the President of the Council &c. is likely to have the Casting Voice, at every Sitting of the *Juncto*, before his Majesties Arrival.

Article XXV.

Appoints the Morning for the time of meeting, and the manner how they are to Assemble in Extraordinary Cases.

Answer.

The time is fix'd, because their Lordships should know how many Hours they are allow'd, to put on their *Short Coats*, and *Long Swords* in.

Article XXVI.

His Majesty exhorts the Members of the Juncto to entertain between them a good Correspondence, necessary for the good of Affairs, and prays the Queen to Animate them by her Example.

Answer.

This is better than all the rest, the Queen must set before 'em a Pattern of Good Correspondence, when she's the only Member of the *Juncto*, that gives 'em an Example, she can hold no such thing with Persons, who are against the Common Security of Christendom.

Article XXVII.

The Successors presence, being very necessary for the Benefit of the Kingdom, his Majesty Conjures him to repair thither with all possible diligence.

Answer.

They may take his Majesties Word for it, he'll answer his Pedecessor's desires in this Point, how backward soever, he may prove in giving Ear to his other Pious Exhortations: For in short, he's in as much hast to be at *Madrid*, as the poor *Spaniards* are to have him make his Publick Entry, for the sake of the Pieces, which his Grand-father has given him to scatter among 'em; and has got forward on his Journey, as soon as he could
for

For another Relation of the Deceas'd Kings, should have reach'd Spain before him.

Article XXVIII.

In case the Successor be of Age, the Juncto of the Regency shall render him an account of their Administration, and the State of all Affairs immediately after his Arrival.

Answer.

Then they may make up their Accounts, for he was Born in 1683 tho' it signifies very little, since these worthy Patriots have done little more than put their Heads together to Endite the Contents of what he already knows, or they may rest satisfy'd his Majesty would not undergo a Forty-days Fatigue, to pay 'em a Visit in answer to 'em.

Article XXIX.

And in case be be still a Minor, his Majesty's Will and Commands that they shall not omit to give him an account of Affairs that shall be Treated of in the Juncto of the Regency proportionably to his Age, and the Capacity of his Sense, as well to inform him by that means for the Government, as to render to his Authority and Royal Dignity due Respect.

Answer.

Had his Majesty's Father left the same Orders behind him at his Decease, as the Royal Testator has, in Relation to his Successor, it's all the World to nothing, his Catholick Majestys de-funct would have had such an insight into Publick Affairs, as to have consulted his Subjects Good by another Testament.

Article XXX.

In case the President or Governor of Castile, the Vice-Chancellor, or President of Aragon, the Arch-Bishop of Toledo, and the Inquisitor General, should happen to die immediately after his Majesties Decease, or during the Successor's Minority, their Places in the Juncto shall be Officiated by those which the same Juncto have chosen for succeeding their Offices; and for what belongs to the Grandee of Spain and the Councillor of State the Juncto may chuse in their place another Grandee, or another Councillor, in case those his Majesty shall appoint should die; and that his said Majesty had not provided for filling up their Places.

Answer.

Answer.

The *Articles* still are contradictory in relation to the present Succession: For what signifie the *Juncto*, when at his Arrival, his Age Entitles him to the management of Regal Affairs; and make what shall be done after it, without his Approbation, Null and Void? However the Catholick King did well to make the Inquisitor General a Member of it, in order to keep his Successor in fear of turning Heretick.

Article XXXI.

In their Sitzings, they shall observe the Precedency, which His Majesty has before given 'em in their Nomination; but if one of the Members of the Juncto be a Cardinal, he shall have the first Place; and in respect to the Grandee and the Councillor of State, they shall take the first or the last place, as they shall come: In the manner of giving the Suffrages, the Form of the Juncto shall be observed, and not that of the Council of State.

Answer.

This shews the Spaniard all over, who is a mighty Rickler in Matters of Precedency; but gives chiefly an insight into the knowledge of the worthy Person that was Author of this last Will and Testament, if one of the Members be a Cardinal, &c. (as Lord Porto Carrero certainly is) is enough to Point him out to us, and tho' he had no great kindness for his Country, any body may perceive he has no small value for himself.

Article XXXII.

All the Tribunals of the Kingdom shall keep their Authority and manner of Judging, and Administring of Justice after the Kings Defase as formerly.

Answer.

If the Courts of Judicature were to cease at his Majesties Death, it might have been said Justice had departed this Life, with the Catholick King; but the Nation has so little of that Commodity to spare, that his Will-maker would not suffer his Royal Master to carry any out of the World with him.

Article XXXIII.

His Majesty recommends to all Tribunals, Officers, of the Kingdom, to render Justice to the People with Integrity, and to the Kings, his Successor, to make no alteration in the said

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Tribunals and Offices, but rather observe punctually and religiously the Customs and Privileges of each of the Kingdoms, States, and Towns of the Monarchy; and above all things, to admit none in the places of the Government but such as are natural born Subjects of the Country; without ever giving thereupon any Dispensation to any body.

Answer.

I dare lay my Life, what ever the young King does in respect of his Majesty's Recommendation in the first part of this Article, he can ne're be so perfect a *Castilian*, as to be punctual in the observance of what he enjoins him in the last. The Word *Natural Born*, is hard to be comply'd with, and if this Government is to be supported by the Politicks of *Versailles*, without doubt some of the Courtiers there, who are to be his Majesty's Instructors, are design'd to have some Preferment or other for their pains.

Article XXXIV

His Majesty ordains, that immediately after his Decease, there shall be given to the Queen all what has been granted her, either by Dowry, or otherways, and as an addition the Same of Four Hundred Thousand Ducats a Year for her Maintenance, recommending expressly to his Successor, to put this Point in Execution.

Answer.

Immediately after his Decease, was excellently put in for the Queen, and without doubt the Cardinal had more than an ordinary fetch in wording it after that manner. Its presum'd he himself had receiv'd his before his Majesty's decease of a certain Minister, and to secure the Queen for his Friend, in case the *French King* should stand hard and fast (as he promis'd heartily by the *Partition*) and his Nose should be out of Joint with the Arch-Duke, for drawing up a Will so directly opposite to his Interest, he is altogether for a prompt Payment of her Majesty's Legacies and Dowry. But this might be the dying King's one Sentiments for all that I know, he having had several Instances, in his Reign, of the Dilatoriness of the *French* in

in performance of Articles, and being perhaps not so well satisfy'd with his Successor as to believe, He would think it advisable to part with so much Money very soon, when he was likely to meet with some Disturbances before he got possession of his Throne.

Article XXXV.

His Majesty bequeaths, and gives to the Queen all the Jewels and Goods that are in her possession, and are not inseparable from the Crown. He orders his Subjects and Vassals, to shew her a great deal of Respect and Love on all Occasions, and affectionately recommends to the King, his Successor, to see executed what is above mentioned; and if the said Queen, of her own accord and Will, should think fit to pass into Italy, to Govern any of the Kingdoms of that Country, he shall grant her forthwith the Government thereof, and give her for Councillors and Ministers of State, Persons of the greatest Consideration, Experience and Wisdom: But if the said Queen should chuse rather to reside in any City of Spain, she shall have Liberty of Choice, and the Government of that City, with that of the Territories and Jurisdiction belonging thereto, shall be given her.

Answer.

More Sugar Plumbs yet for the Queen! This looks as if the Contriver of the Will was afraid that Philip the 5th would plunder his Royal Mistress, and strip her of the Jewels her Husband had given her, and therefore confirms the Right of Possessing her own Goods to her Sacred Majesty. But what is chiefly worth Notice is, the Grant which is made her of being constituted Regent or Governess of any Kingdom or City in Italy, if her Majesty thinks fit to remove from her Residence in Madrid, which is hardly thought the King of France will suffer his Grandson to comply with; because if her Majesty should demand the Regency of Naples or Sicily, she has no such unkindness for her Sister, as to keep out the Emperor her Husband, from his Pretensions to it as a Fief of the Empire. Her Majesty may take this as a Sweetner, and she may expect her Court in Naples, when the great Sums that

that are left her are paid, which are not likely to be, unless the most Christian King makes a tender of his Purse, and offers the paying her Majesty for some private Consideration, as he lately did to wipe off the Mortgages of the Dutch upon the Towns in Flanders.

Article XXXVI.

If the King that succeeds his Majesty be Minor, his Majesty Wills and Ordains that he shall be served by the same Officers of his Household that are at present in place, without making any Alteration therein; and if he be Major, he recommends to him to have some regard to the services of the said Officers and Servants, and to continue them in their Employ during their Life.

Article XXXVII.

The Officers and Servants of the Household, as also those of the Queen, the King's Spouse, and of the late Illustrious Queen Mother, shall be continued in their Places, Honours, and Emoluments during their Life.

Answer.

36 and 37. The Cardinal's Head was certainly running upon his *Loue's de Or's*, when he hammer'd out these two contradictory Articles. The first makes his Majesty lay his positive Commands on his Successor, if in his Minority, and requests him by way of Letters of Recommendation, provided he is *out of it*, to make use of the Officers and Servants his Majesty left behind him after his decease. But the last enjoins him to keep 'em during life, whether the Heir to his Crowns be *Major* or *Minor*. How the *provisional* Command or Request, can be reconcil'd to the *positive* Injunction, its not in my Power to determine, unless his Eminence meant himself to be continued in his Post during life by the *last*, and the Queen Regent, and those who were not in the *French Interest* to be *durante bene placito* by the *first*.

Article XXXVIII.

The Guards du Corps being instituted to serve the Person of the actual King, and not another, his Majesty commands the said Guards to quit the Guard-House of the Pallace immediately

ately after his Death, without dishonouring nevertheless, but to continue in a Body, in order to serve the King, his Successor, and the Government, as he shall be pleased to ordain.

As for the Institution of the Guard du Corps, I know very little of the matter, but I am satisfy'd that this is as trivial an Article, and as unbecoming the Spanish Gravity, as ever proceeded from Don's mouth.

Article XXXIX

But the Spanish and German Guards shall continue their Service at the Palace as hitherto, as well for the Honour of the Crown, as for the Service of the Queen, his Majesty's most dear and well beloved Spouse.

Answer.

A pretty Compliment to the German Nation, to have the same favour done 'em, as the Spaniards themselves, after he had slighted 'em as to their just Pretensions to his Dominions.

Article XL

The late King Phillip the 4th. having added, and annexed to the Crown the Golden-flower-de-Luce, the Lignum Crucis, and abundance of other Relicks which came from the Emperor Charles the 5th. and are to be found in the Reliquary of the Chaple Royal, his Majesty conforms with this Disposition, and confirms it.

Answer.

And if his Majesty should add to his Royal Predecessors's Gifts the multitude of Relicks he dy'd wrapt up with, what would the Crown be the better for 'em?

Article XLI

And whereas the same King Philip the fourth has also added, and annexed to the Crown several Jewels, Pictures, moveables and Rarities, which are in the Royal Palace at Madrid, his Majesty declares them a fresh Goods of the Crown, and recommends the payment of the Creditors that furnish'd him with 'em.

Answer.

Jewels, Pictures, and other rich Moveables, are something indeed, in comparison of the Lignum Crucis, which if it were alienated from the Crown, would have as little effect upon the Subject, as it had upon the King.

Article

Article XLII. His Majesty likewise adds, and annexes to the Crown for ever, all the Houses and Palaces he possesses, as well at Madrid, as any where else, with all the Jewels, Pictures and Moveables that are there, ordering that for that end exact Inventories be made thereof.

Answer.

Methinks the Spanish Gravity suffers very much by such needless Reperitions, and when his Eminency's hand was in, he might have left all that belong'd to the King by his own Acquisition, and what had been Annex'd to the Crown by his Ancestors in one Article. But the *Will* must appear like something done in Concert with the Council of State, and is Spun out into a Multitude of Articles on purpose to amuse the Publick.

Article XLIII.

The late King Philip the 4th. having left to his Majesty, and the Kings, his Successors, a holy Cross, which is to be found in the Wardrobe, his Majesty leaves it likewise to his Successor, and the Kings that shall succeed him.

Answer. I question not, but as the Goods in the Wardrobe were bequeath'd to the Successor, the Young King would have taken Possession of the Holy Cross, which was among 'em; I wonder he did not bestow an Article upon every particular peice of Furniture, that we might have seen what Goods his Majesty had, and know the Temptation of Lewis the 14th to break thro' the Bonds of the Partition.

Article XLIV.

His Majesty having always had a particular esteem for rendering Justice to all his Subjects and Vassals, and wronging no Body, he persists in the same Sentiment, and ordains that for that end all his Debts shall be entirely paid, and that Satisfaction shall be given to all Persons that shall have any thing to pretend, by vertue of the Resolutions he has taken, or the Dispositions he has made.

Answer.

His Majesty for all that I know, might have always had a particular esteem for Justice, but he had not always a Power to execute it, as appears by his Present Testament. The Payment of Debts is inferred on Purpose that the Nation may be beholding to the Most Christian King, for how his Successor can Discharge the Debts

Debts to the Elector of Bavaria, and the Dutch, without French Love, d'Ors, it's not in the Power of the Wisest Spaniard to Divine.

Article XLV.

His Majesty recommends to the King, his Successor, to avoid all superfluous Expences, to spare the People, and ease them of the Taxes and Impositions laid on them, as soon as necessity will permit.

Answer.

What went before was an Order for the Payment of his Debts, and what immediately follows it, is a Charge to his Successor, to ease his People of the Taxes and Impositions. But how the former is to be obey'd, and the latter have a due Observance paid to it, his Eminence I believe cannot tell. I am rather apt to believe they must raise New Funds by fresh Taxes, or the Spaniards will be as far from the Payment of their Old Debts as ever.

Article XLVI.

Is a recommendation to the succeeding Kings to love, cherish and honour their Estates and Kingdoms, and particularly the Kingdom of Castille, as also to honour and reward those of their other Subjects and Vassals, that shall deserve it.

Answer.

The Cardinal without doubt, is a Castilian, because that Nation is recommended in particular to his Majesty's Love, whether they deserve it or no, when other States are not to be Lov'd & Cherish'd, and Honour'd, but in case of Merit.

Article XLVII.

And it being the true and proper Office of Royalty, to render Justice equally to every Body, to be the Father of his Subjects and Vassals, the Support of Widdows, Orphans, and the Relief of the Poor and Miserable, his Majesty recommends in particular all these points to the King, his Successor.

Answer.

The Office of a King, is certainly to be the Father of his Countries, &c. but 'tis to be fear'd his late Majesty had not Power enough to execute it, and not unlikely but some Foreign Maxims will persuade the Present King to Grasp at more Authority than what consists with the Office of Royalty.

Article XLVIII.

His Majesty moreover advises and charges him to make much

much of his *Kassals*, which are more remote in the Indies, &c. and repose as much Confidence in them, as in the very *Castillians*, it being the means to gain more and more their Love and Fidelity.

Answer.
Here's another Contradiction, first the *Castillians* were chery to share his Majesty's Affection, and now the Successor is enjoyn'd to make as much of his Subjects, which are under his Dominion at a greater distance. But *Mexico* and *Peru* have a Mettle that grows in 'em, which can make one say and unpay all in a Breath.

Article XLIX.
And whereas his Majesty has been constrained to exact from his Subjects and *Kassals*, divers extraordinary Impositions, and it having not been possible to take them all off, his Majesty recommends expressly two things to his Successor, the one to remit, as soon as possible, the burthen of the said Taxes, the other never to spend as much as a single Real of that Fund, either in Donations or Liberality, considering it is the blood of the people and that recourse ought to be had thereto, but in the last extremity.

Answer.
If Taxes are the Blood of a People there's nothing like a French Surgeon to take it from 'em, and whether the Emperor pursues his Pretensions or no, it's thought the Successor will not want being taught Evasions to keep 'em on the same Bottom; but as for Donations or Acts of Liberality, which are not to be bellow'd out of that Fund, we may suppose the Cardinal has already finger'd his reward, because he shuts up his Majesty's Exchequer against others.

Article L.
His Majesty Ordains and Enjoyns, that conformable to the Laws of the Monarchy, neither the King his Successor, nor those that shall come after him, shall ever alinate any part of the Kingdoms and Countries, or divide, or share them upon any account power, not so much as to give Apenages to their own Children, but on the contrary, as well the Kingdoms that are now annexed to the Crown, as those that may fall thereto for the future, shall be continued united for ever in an inseparable manner: His Majesty confirming for that purpose,

pose, the Law made in the States of Valladolid in the Year 1442, by King John the 2d, and afterwards approved and confirmed by King Ferdinand, Queen Isabella, his Spouse, the Emperor Charles the 5th. Philip the 2d, Philip the 3d. and Philip the 4th.

Answer.

The Dreadful Partition is still in his Eminency's Head, tho' he has taken the proper means to prevent it by the Nomination of a Prince of France, and here's an injunction laid on the Successor not to Alienate or divide it, as if he was sensible Phillip 5th would make a Compliment of some of his Dominions to his Grand-Father, for his great Condescension in not possessing himself of all.

Article LI.

His Majesty confirms certain Rights settled by the King, his Predecessors on the Grantees and Nobility of the Kingdoms, and Countries of Spain.

Answer.

That is, his Majesty would have the Grantees assume the same Government over his Successor, as he quietly suffer'd over himself. But French Princes are not to be left by the Nose, which the Testament-maker may one Day find, notwithstanding great Services.

Article LII.

And whereas the great Occupations of Peace and War, in which his Majesty found himself exercis'd, obliged his Majesty to use Tolleration and Dissimulation in this respect, he declares that the said Tolleration and Dissimulation cannot have brought any Prescription, Alteration, or Prejudice to the Rights of the Crown, and annuls, make void, and destroys all what might have been made hitherto, tollerated, or dissimul'd against the said Right, which he maintains in all their force and vigor.

Answer.

His Majesty on my Conscience, never troubled himself much with the great Occupations of Peace or War, and as for Dissimulation that is for certain a part of the Character of his Eminencie, Porto-Carero.

Article LIII.

His Majesty having never pretended that his Subjects should

receive any damage from the Woods and Forrests he possessed in several parts of the Kingdom, his Majesty ordains that Satisfaction be forthwith given, to all those that shall have any thing to pretend upon that point.

Answer.

Satisfaction forthwith, implies an immediate Act of Justice, but the great Men who are Chief Rangers of these Woods and Forrests, will scarce be in haste to redress those Grievances which occasion such considerable Additions to their Power and Estates.

Article LIV.

His Majesty provides for the continuation of the Edifices and Embellishments he had ordered to be made in divers Palaces and Royal Houses, and orders that all Sums shall be exactly paid that shall be due upon that account.

Answer.

Then the Cardinal, and his other Favourites, should not have exhausted his Majesty's Treasury, and Disabled his Successor to go forward with 'em.

Article LV.

His Majesty will and recommends to the Executors of his Will, to pay all his particular Debts, as soon, and in the best manner, that can be for the Discharge of his Conscience.

Answer.

When Kings leave Debts, neither Executors nor Successor are uneasy, till they are paid, and the Creditors are seldom the better for what Injunctions soever are laid upon 'em to Discharge 'em.

Article LVI.

There being divers Clauses of the same nature found republished in the Wills of his Majesty's Predecessors, which could not have been entirely executed hitherto, and it being nevertheless just they should, his Majesty confirms them all, recommending to his Successor to execute them.

Answer.

Here his Majesty is made to own, he has not paid the King's his Predecessors Debts, which is enough to insinuate that if his Successor or Executors dont clear his, they have an Example to vindicate himself by.

Article LVII.
His Majesty bequeaths and leaves to the King, his Successor, all the Goods that shall be found to belong to him, having first discharged all the Debts and Obligations above named.

Answer.

The King cannot leave his Goods twice to his Successor, that's certain; yet the Cardinal has made him do it again, and again, and since they were not to be alienated from the Crown, how comes it about, that this *Article* intimates his Successor must pay his Debts first, or they should be Sold towards the discharge of 'em?

Article LVIII.

His Majesty Names, for Executors of the present Testament; first, the Queen, his dear and well beloved Spouse, and afterwards those, who at the time of his decease shall be found to be in possession of the places of Sommelier du Corps, and if there be none; the eldest Gentleman of the Chamber until there be one, the Mayor Dame Major and if there be none, the eldest Major Dome until there be one, The Cavallerizo Mayor, or him that shall exercise that Office, the Almoner Mayor, the Confessor, and him that shall succeed in that Employ. The President or Governor of the Council of Castille, and if there be none, the Eldest Councillor, till there be one. The Vice Chancellor of Arragon; and if there be none, the eldest Councillor till there be one. The Inquisitor General, and if there be none, the eldest of the Council of the Inquisition, until there be one, The President of the Council of the Indies, and if there be none, the eldest Councillor till there be one. And the Prior of the Convent of Saint Laurence the Royal.

Answer.

Had his Majesty written his Will himself, he would scarce have made his Dear Consort one of his Executors; since it could not be otherwise than an apparent Violence to a Princess's Temper to be made an Executrix of a Will; or oblig'd her Majesty to prefer a Foreign Prince before her own Blood.

Article LIX.

His Majesty wills, and ordains that his present Testament shall be reputed good and valid, and shall have the force of a Law, and as such shall be executed in all points. Madrid October 22. 1700. Signed,

I, the King.

Answer

Answer,

The Cardinal may make the King's Will, and Ordain what he pleases; but can never give this Testament the force of a Law, without the consent of the States of the several Kingdoms, however he has concluded it with the King, when most People conclude it should have been, **I THE CARDINAL.**

The CODICIL

Article I.

HIS Majesty confirms in favour of the Queen the Contents of the 25th Article of the Testament; and for her greater satisfaction, orders that if she finds it agreeable, to prefer the Government of the Low Countries before those of the Kingdoms of Italy, she may go over thither, and recommend to his Successor, to dispose thereof immediately in her Favour.

Answer.

The Queen has a rare Opportunity to be even with her Kinsman the Elector of Bavaria, for his great Zeal in opposing the interest of his own Family, by her acceptance of the Government of the Netherlands, and has in her Power, if the King Elect pleases, to send him back to Munich, to sit upon the Stool of Repentance.

Article II.

The Building which has been begun by the King's Order in the Chapel Royal at Madrid, for the greater Worship of the Holy Sacrament, shall be continu'd on the same Plan, and design, until it is perfected, all at the Expence of his Successor.

Answer.

So perhaps it will, if his present Majesty finds a sufficient Summ bequeath'd him to maintain it; but he'll have enough to do to reward his Electors, &c. so that I believe the Building will not be perfected, till some time after his arrival.

Article III.

His Majesty bequeaths to the Royal Convents of bare-footed Franciscans of the Incarnation, of the Augustine Recollects of St. Theresia, St. Ann, and the bare-footed Carmelites, a Jewel to each at the Queen's choice, to whom he recommends the Execution of this Article.

Answer.

For certain her Majesty will pick out the best she can, that it may not fall into the hands of the Successor. Nuns are great admirers of Precious Stones, and will leave their Needle Work to handle things of that nature.

Article IV.

Item, His Majesty Ordains that the Convent of the bare-footed Religious of the Title of St. Joseph d'Avila, shall be incorporated into the Royal Patronage.

Answer.

Answer.

That's an Act of Charity indeed, they'l scarce go bare-footed again, and now they are taken into the Protection of the Royal Patronage, they'l certainly have good *shoes* to their Feet.

Article V.

His Majesty ordains and wills, that paying all his Debts, all the Queen's his Spouses, shall also be paid, that shall be found to have been contracted, till the day of the King's decease.

Answer.

'Twas a sign that St. Teresa was an excellent Protectress indeed, when she suffer'd him all his Life, to be worried by every petty Distemper; and if Philip the 5th stands the Spaniard's Friend no faster than the Glorious Teresa, the Emperor will certainly Seize upon Milan, and the Arch-Duke be Crown'd at Madrid.

Article VI.

His Majesty having desired all his life time to put his Kingdom under the Protection of the glorious St. Theresa of Jesus, for whom he had a particular Devotion, he exhorts his Successor to accomplish that good desire.

Answer.

If it has no more force, than the Testament should lawfully have, he has just done as much good to his Kingdoms, by signing *I the King*, as he did to himself by relying on the Protection of St. Teresa.

Article VII.

'Tis his Majesty will, that the present Codicil shall have as much force and value, as if it were inserted word by word in the Testament itself.

Madrid, October 5th 1700. Signed,

I, the King.

Answer.

But suppose the Young Prince, who now writes *I the King*, should not admit of 'em as such Counsellors, what signifies his Majesty's Compliment of tacking 'em to his Will?

The Substance of the Paper mentioned in the 15th Article of the Testament.

The King appoints as Members of the Junta of the Regents, the Count de Frigiliana, alias Aguilar, for the Council of State, and and the Count de Bonavente Sommelier du Corps on the behalf of the Grandees of Spain.

Madrid, October 2. 1700. Signed,

I, the King.

F I N I S.

That an Act of Liberty, indeed, they have to date looked upon, and now they are taken into the Protection of the Royal Privilege, they certainly have good reason to their Feet.

Article V.

His Majesty's certain and will, that giving all his Duties, all the Queen's Duties, shall be found to have been contracted, and to a list of the King's Duties.

Answer.

It was a sign that St. Teresa was an excellent Protector indeed, when she suffered him all his Life, to be worried by every petty Devil; and if this the 7th stands the Spaniards' Friend no longer, than the Glorious Teresa, the Emperor will certainly seize upon him, and the whole shall be Crown'd at Madrid.

Article VI.

His Majesty having desired all his Life time to put his Kingdom under the Protection of the glorious St. Theresa of Jesus, for whom he had a particular Devotion, he expects his Successor to accordingly that

Answer.

If it is no more force, than the Testament should lawfully have, he has just done as much good to his Kingdom, by signing the King, as he did to himself by relying on the Protection of St. Teresa.

Article VII.

That his Majesty will, that the present Council shall have as much force and value, as if it were inserted word by word in the Testament.

Madrid, October 2. 1700. Signed,

Answer.

But suppose the Young Prince, who now writes the King, should not admit of 'em as such Counsellors, what signifies his Majesty's Consentment of taking 'em to his Will?

The Substance of the Paper mentioned in the 1st Article of the Testament.

The King appoints as Members of the Junta of the Regent, the Count de Freginiana, alias Aguiar, for the Council of State, and the Count de Montemar, for the Council of the Army, on the behalf of

Madrid, October 2. 1700. Signed,

I, the King.